

REMARKS

Claims 1-29 are pending and under consideration. The following remarks are respectfully submitted.

I. Objections to the Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters “34” and “37” have both been used to designate the second receptacle port. Corrected drawings sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office Action. Applicant has attached herewith a replacement drawing sheet for Figure 2, in compliance with 37 CFR 1.121(d); on the replacement drawing sheet, the reference character that appeared to be “37” has been corrected to show the intended reference character “34”.

II. Double Patenting

Claims (1, 7, 13, 16, and 19), (3, 9 and 13), (4, 10, and 13), (5 and 11), and (6, 12, 18, and 21) are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims (6, 13, and 14), 7, 8, 9, and 10, respectively, of co-pending Application No. 10/465,158. Although conflicting claims are not identical, they are not patentably distinct from each other because the auxiliary port in the present application acts as an adaptor, as described in the co-pending application. Due to the provisional nature of the rejection, Applicant defers responding to the rejection and respectfully requests that the Examiner hold response to this rejection in abeyance.

III. Rejections under 35 USC §102

Claims 1, 2, 4, 6-8, 10, 12, 16, and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Scheiner et al. (U.S. Patent No. 6,212,434), herein Scheiner. Applicant traverses the rejection of claims 1, 2, 4, 6-8, 10, 12, 16, and 19-24, based on the following argument.

Scheiner neither teaches nor suggests every element and limitation of claims 1, 2, 4, 6-8, 10, 12, 16, and 19-24. Independent claim 1 defines a system including a first lead that includes a connector terminal and an auxiliary connector port, and independent claims 7, 16 and 19 each define a lead that includes a connector terminal and an auxiliary connector port; the auxiliary port in each claim is defined to include a connector contact which is coupled to a connector element of the connector terminal of the respective lead via a conductor. Scheiner neither teaches nor suggests a lead that includes a connector contact as defined by the present application. Furthermore, Applicant respectfully disagrees with the Examiner's characterization of Scheiner's yoke 241, and asserts that yoke 241 is not capable to act as an auxiliary connector port. For example, yoke 241 is not shown having a port and is not described as having a connector contact. Rather, yoke 241 is described, in column 14, lines 25-33, as a "sheath for covering at least portions of the first and second terminal legs 230, 232 and the intermediate portion 206, where the sheath can be attached using medical adhesive or other attachment methods", or as being over-molded to encompass the intermediate portion 206 and the first and second terminal legs 230, 232.

In light of the argument presented above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 2, 4, 6-8, 10, 12, 16, and 19-24.

Claims 1-4, 7-10, 16, 19, 20, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Smyth et al. (U.S. Patent No. 4,393,883), herein Smyth. Applicant traverses the rejection of claims 1-4, 7-10, 16, 19, 20, and 23 based on the argument presented below.

Smyth neither teaches nor suggests every element and limitation of claims 1-4, 7-10, 16, 19, 20, and 23. Independent claim 1 defines a system including a first lead that includes a connector terminal and an auxiliary connector port, and independent claims 7, 16 and 19 each define a lead that includes a connector terminal and an auxiliary connector port; the auxiliary port in each claim is defined to include a connector contact which is coupled to a connector element of the connector terminal of the respective lead via a conductor. Smyth neither teaches nor suggests a lead that includes a connector contact as defined by the present application. Furthermore, Applicant respectfully disagrees with the Examiner's characterization of Smyth's junction 30, and asserts that junction 30 is not capable to act as an auxiliary connector port. For example, junction 30 is neither shown nor described as having a connector contact. Rather, junction 30 is merely a point at which a ventricular lead 14 exits a coil 72 and an outer sheath 10 via an aperture 29, as is described, for example, in column 3, lines 51-56.

In light of the arguments presented above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-4, 7-10, 16, 19, 20, and 23.

Claims 1, 2, 4, 5, 6, 7, 8, 10, 11, 16-20, 23, 25, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Levine (U.S. Patent No. 5,328,442). Applicant traverses the rejection of claims 1, 2, 4, 5, 6, 7, 8, 10, 11, 16-20, 23, 25, and 28, based on the argument presented below.

Levine neither teaches nor suggests every element and limitation of claims 1, 2, 4, 5, 6, 7, 8, 10, 11, 16-20, 23, 25, and 28. Independent claim 1 defines a system including a first lead that includes an electrode, a connector terminal and an auxiliary connector port, and independent claims 7, 16 and 19 each define a lead that includes an electrode, a connector terminal and an auxiliary connector port; the auxiliary port in each claim is defined to include a connector contact which is coupled to a connector element of the connector terminal of the respective lead via a conductor. Although Levine shows distal female connectors 70 and 90, which may also be denoted as connector ports,

these female connectors are not part of a lead, but part of a lead adapter 60 (shown in Figure 9 and described in column 13, lines 14-35, for example), which does not include an electrode.

Furthermore, with reference to independent claims 1 and 16, Applicant respectfully points out to the Examiner that the lead 136 of Levine does not include an electrode adapted for high-voltage therapy nor a high-voltage electrode. Rather, in column 9, lines 61-65, lead 136 is described as a pacing lead, which is further described, in column 10, lines 19-21, as being “connected through the adaptor 122 to the pin terminal of the pacemaker’s bipolar output connector 126”. Those skilled in the art understand the difference between pacing stimulation and high-voltage therapy and that electrodes adapted for high-voltage therapy are not the same as those adapted for pacing therapy.

In light of the arguments presented above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 2, 4, 5, 6, 7, 8, 10, 11, 16-20, 23, 25, and 28.

IV. Rejections under 35 USC §103

Claims 26, 27, and 29 stand rejected under 35 USC § 103(a) as being unpatentable over Levine in view of Scheiner. Applicant traverses the rejection of claims 26, 27, and 29, based on the argument presented above for independent claim 19, supporting traversal of the ‘Levine rejection’, and respectfully requests that the Examiner withdraw the rejection of claims 26, 27, and 29.

V. Allowable Subject Matter

Claims 13-15 are allowed.

VI. Conclusion

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

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Date

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